

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN THE MATTER OF THE APPLICATION
OF THE NEW YORK TIMES COMPANY
FOR ACCESS TO CERTAIN SEALED
COURT RECORDS

Misc. Action No. 1:08-mc-00576-RCL

**LOS ANGELES TIMES COMMUNICATIONS LLC'S MOTION TO
INTERVENE AND FOR PUBLIC ACCESS TO CERTAIN SEALED COURT RECORDS**

Los Angeles Times Communications LLC (“Los Angeles Times”), publisher of the *Los Angeles Times*, by and through its undersigned counsel, respectfully moves the Court, for an Order permitting it to intervene in this action for the purpose of vindicating its common law and First Amendment rights of access to court records currently under seal in this Court, and to join the pending motion of the New York Times Company, pursuant to Local Rule of Criminal Procedure 57.6, for an Order unsealing certain sealed court records relating to the now-concluded criminal investigation into the anthrax mailings of 2001 (the “Amerithrax investigation”).

In support of this Motion, Los Angeles Times avers as follows:

1. On February 4, 2008, The New York Times Company (the “Times”) filed a miscellaneous action in this Court, seeking, among other things, access to certain sealed court records.
2. Specifically, the Times filed a Motion for Public Access to Certain Sealed Records (the “Times’ Motion for Public Access”), requesting that the Court unseal any (a) search warrants, (b) warrant applications, (c) affidavits in support of warrant applications, (d) Court

Orders, and (e) returns filed with the Court (collectively, the “Warrant Materials”) for any warrant requested by the government in connection with the Amerithrax investigation to search property owned or used by Dr. Bruce Ivins, Dr. Steven Hatfill and/or Peck Chegne, whether or not the warrant was issued, and whether or not it was executed.

3. The Times’ Motion for Public Access and accompanying papers describe the significant public interest in the Amerithrax investigation and the important issues that would be illuminated if the public were granted access to the Warrant Materials.

4. The *Los Angeles Times* has also been closely following and reporting on the Amerithrax investigation. Since the Department of Justice named Dr. Bruce Ivins the sole anthrax mailer and declared the case solved in early August, the *Los Angeles Times* has published numerous stories about the investigation in response to a significant public interest in understanding how the government handled this investigation and why it is confident that Dr. Ivins was solely responsible.

5. Los Angeles Times hereby seeks the Court’s permission to intervene in this action and to join the Times’ pending motion for public access, with any further briefing consolidated and filed on behalf of both the Times and Los Angeles Times. Los Angeles Times further incorporates by reference the Times’ Motion for Public Access, the memorandum of points and authorities in support thereof, and the accompanying declarations of Scott Shane and Jeanette Melendez Bead.

6. Los Angeles Times is authorized to inform the Court that the Times supports this Motion and the Department of Justice does not oppose it.

7. If this motion is granted, Los Angeles Times will consolidate all future filings with the Times, and will not separately make duplicative submissions.

WHEREFORE, for the reasons stated herein and in the Times' motion for public access with its accompanying declarations and memorandum of points and authorities in support thereof, the Los Angeles Times respectfully requests that the Court enter an Order permitting it to intervene in this action and to join the Times' motion.

Dated: September 9, 2008

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

By: /s/ Jeanette M. Bead
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September 2008, I caused a true and correct copy of the foregoing Motion to Intervene and for Public Access to Certain Sealed Court Records to be served upon the following by first-class mail and facsimile:

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/s/ Jeanette Melendez Bead
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